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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,449	09/13/2003	Alben Joseph Gillum	38494-00252	7810

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EXAMINER
AGWUMEZIE, CHARLES C

ART UNIT	PAPER NUMBER
3621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/661,449	GILLUM, ALBEN JOSEPH
	Examiner	Art Unit	
	Charlie C. Agwumezie	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 January 2007</u>.

2a)☒ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,11-14,16-21 and 22-25* is/are pending in the application.

    4a) Of the above claim(s) <u>22-25</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 11-14, 16-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09/13/03; 03/08/04</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January

25, 2007 has been entered.

Status of Claims

2.   Claims 8-10 and 15 have been cancelled. Claims 22-25 are newly added. Claims

1-7, 11-14 and 16-21 are pending in this application per the request for continued

examination filed on January 25, 2007.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-7, 11-14, 16-21 and 22-25 have

been considered but are moot in view of the new ground(s) of rejection.

Election/Restrictions

4.   Newly submitted **claims 22-25** directed to an invention that is independent or

distinct from the invention originally claimed for the following reasons: The claims are

directed to a method for reporting non-compliance in financial transactions.

Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claims 22-25 are withdrawn from consideration

as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP §

821.03.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

1.   **Claims 11 and 18**, are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter because it does not produce useful,

concrete and tangible result. What is the result of examining images and discovering

that money laundering is occurring.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

Claim 18-19, is rejected under 35 U.S.C. 102(e) as being anticipated by Hillmer et al U.S. Patent No. 6,714,918 B2.

As per **claim 18**, Hillmer et al discloses a method for detecting suspicious transactions comprising:

analyzing sales data to detect whether financial transactions have been purchased in a manner indicating a plurality of consecutive high-value purchases that exceed a threshold value (col. 6, lines 35-65; ...transaction flagged as fraudulent...for reasons such as a high transaction amount or unusually high frequency of orders...if the value is greater than predetermined transaction amount...; col. 9, lines 20-55; "...amount velocity...").

As per **claim 19**, Hillmer et al does not expressly show the method wherein said threshold amount is $2,000.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The threshold amount would be detected and would be performed the same regardless since the threshold amount is a predetermined amount. Thus, this descriptive material will not distinguish the claimed invention from prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore it would have been obvious to one of ordinary skill in the art at the time

the invention was made to set a predetermined amount as the threshold amount

because such data does not functionally relate to the steps in the method or system

claimed and because the subjective interpretation of the data does not patentably

distinguish the claimed invention.

Claims 20-21, is rejected under 35 U.S.C. 102(e) as being anticipated by Justice

et al U.S. Patent Patent Application Publication No. 2003/0174823 A1.

As per **claim 20**, Justice et al discloses a method of detecting suspicious

financial transactions comprising:

comparing a transaction to a plurality of transactions stored in a database (0009;

database is configured to store information on past transactions...; 0089; 0120;

..analyze transaction records stored in database...);

determining whether said transaction matches said plurality of transactions

based on a match of a sender's name and zip code (fig. 9; ...verify customer name,

address and phone number...; 0094; mismatched zipcode...);

summing a total dollar amount of said plurality of transactions matched in said

determining step (0094; 0088; ...adding the weighted value of the fraud indicators

together measured in dollar amount...);

advising a sales associate and disabling said transaction if a result of said summing

step exceeds a dollar threshold (fig. 4; 0077; ...if risk level meets or exceeds the

predetermined fraud queue threshold, the order is placed in a fraud queue for review by

a fraud clerk...).

As per **claims 21**, Justice et al failed to explicitly disclose the method wherein said

threshold value is $2000.

However these differences are only found in the nonfunctional descriptive

material and are not functionally involved in the steps recited. The threshold amount

would be detected and would be performed the same regardless since the threshold

amount is a predetermined amount. Thus, this descriptive material will not distinguish

the claimed invention from prior art in terms of patentability, see In re Gulack, 703 F.2d

1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32

USPQ2d 1031 (Fed. Cir. 1994).

Therefore it would have been obvious to one of ordinary skill in the art at the time

the invention was made to set a predetermined amount as the threshold amount

because such data does not functionally relate to the steps in the method or system

claimed and because the subjective interpretation of the data does not patentably

distinguish the claimed invention.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4 and 5-7, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Justice et al U.S. Patent Application Publication No. 2003/0174823 A1 in view of

Lawrence U.S. Patent Application Publication No. 2003/0177087 A1.

As per **claim 1,** Justice et al discloses a method for detecting dollar threshold

transactions comprising:

obtaining identity information relating to an identity of a customer who purchases

a financial transaction;

comparing said financial transaction with zero or more previous financial

transactions that occurred on a same day as said transaction and that comprise said

identity information (fig. 7; 0095; 0097; 0098; ...same day ordering or consecutive day

ordering...);

determining whether a total dollar value of said transaction and said previous

financial transactions equals or exceeds a threshold amount (see figs. 7;

0095;...determining whether ...a predetermined parameter such as frequency,

amount...on the customer account exceeds a predetermined threshold....; 0096; ...the

predetermined threshold is a dollar amount...; 0097; 0119;...one payment account

being used above a predetermined payment account threshold...);

capturing additional information and storing said additional information if a result

of said determining step was affirmative (see fig. 9; 0116; ...ask customer for additional

information...); and

generating a report that comprises said identification information, and said

additional information (0121; 0122; ...reports are generated listing all detected past

transactions containing the identified fraud indicator...).

What Justice et al does not explicitly teach is obtaining identity information

relating to an identity of a customer who purchases a financial transaction. Justice

however discloses requesting and receiving name, billing address and phone number.

Lawrence discloses obtaining identity information relating to an identity of a

customer who purchases a financial transaction (0041; "...identification of parties to a

transaction...").

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time of applicant's invention to modify the method of Justice and incorporate the

method, wherein obtaining identity information relating to an identity of a customer who

purchases a financial transaction as taught by Lawrence because both seeks to identify

present and potential risks and methods to prevent associated financial fraud and/or

money laundering.

As per **claim 2**, Justice et al discloses the method wherein said previous financial

transactions are stored in a database (0009; 0028; 0032; 0035; 0120; ...scanning past

transactions related to customer account ... stored on database...; claim 4; database

being configured to store information on past transactions associated with customer account...).

As per **claims 3 and 6**, Justice et al does not expressly show the method wherein said threshold amount is $3,000 and/or $10000.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The threshold amount would be detected and would be performed the same regardless since the threshold amount is a predetermined amount. Thus, this descriptive material will not distinguish the claimed invention from prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to set a predetermined amount as the threshold amount because such data does not functionally relate to the steps in the method or system claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per **claim 4**, Justice et al failed to explicitly disclose the method wherein said report comprises a USPS Form 8105-A.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the recited method steps of obtaining,

comparing, determining capturing and generating. The report would be produced the same regardless of the form used. Thus, this descriptive material will not distinguish the claimed invention from prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include USPS form 8105-A because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per **claim 5**; Justice et al discloses a method for detecting reportable dollar threshold transactions comprising:

storing daily transactions for financial transactions in a database (0009; 0028; 0032; 0035; 0098; ...same day or consecutive days order activity...);

aggregating records by customer identifying information (see fig. 9; 0007; ...cumulative fraud risk level meets or exceeds predetermined threshold, verifying the request for the transaction with an owner of the account...; 0066; ...cumulative risk level associated with customer account, customer name, or transaction...);

summing said records from said aggregating step to produce a total dollar value (0032; 0088; ...adding the weighted value of the fraud indicators together measured in dollar amount...);

comparing said total dollar value with a threshold (see figs. 7; 0095; ...

determining whether ...a predetermined parameter such as frequency, amount...on the

customer account exceeds a predetermined threshold....; 0096; ...the predetermined

threshold is a dollar amount...; 0097; 0119;...one payment account being used above a

predetermined payment account threshold...); and

if said total dollar value is greater than or equal to said threshold, generating a

second record of all said records from said summing step (see figs. 4 and 7; 0077; if risk

level meets or exceeds the predetermined fraud queue threshold, the order is placed in

a fraud queue for review by a fraud clerk...).

What Justice does not explicitly teach is

storing said second record for reporting; and reporting said second record to a

controlling entity.

Lawrence discloses storing said second record for reporting; and reporting said

second record to a controlling entity (0066; ...in response to a report, further

investigation may be suggested on the part of a Treasury Department)

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time of applicant's invention to modify the method of Justice and incorporate the

method, wherein storing said second record for reporting; and reporting said second

record to a controlling entity as taught by Lawrence because both seeks to identify and

prevent financial fraud and/or money laundering.

As per **claim 7**, Justice et al failed to explicitly disclose the method wherein the

controlling entity is the United States Department of the Treasury.

Lawrence discloses the method wherein the controlling entity is the United States

Department of the Treasury (0037; ...US Department of Treasury...).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time of applicant's invention to modify the method of Justice et al and incorporate the

method, wherein the controlling entity is the United States Department of the Treasury

as taught by Lawrence in order to show agency over-seeing and controlling money

laundering activities.

5.   **Claims 11-14, and 16-17,** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lawrence U.S. Patent Application Publication 2003/0177087 A1 in

view of Buchanan et al U.S. Patent Application Publication 2004/0133516 A1.

As per **claim 11**, Lawrence discloses a method for detecting suspicious

transactions comprising:

examining digitized images of transactions in a plurality of workstations (fig. 1;

claim 12 and 25); and

determining whether a condition is satisfied that indicates money laundering

activities occurred (see figs. 1 and 2; 0009; 0028).

What Lawrence does not explicitly disclose is digitized images.

Buchanan discloses examining digitized images of transactions in a plurality of workstations (see figs. 1 and 4; 0097; 0118; 0158; 0168; 0240; "...authorized operators can review the check item images...")

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Lawrence and incorporate the method, examining digitized images of transactions in a plurality of workstations as taught by Buchanan et al because such capture and review will enable fraudulent checks or money order to be identified earlier in the processing thereby saving the entity money.

As per **claim 12**, Lawrence further discloses the method further comprising: completing a form indicating suspicious circumstances if a customer purchased a plurality of previous financial transactions with a regular frequency (0009; 0050; 0052).

As per **claim 13**, Lawrence further discloses the method further comprising: completing a form indicating suspicious circumstances if a customer worked with a second customer to purchase a dollar amount of a plurality of previous financial transactions in a manner intended to result in a total dollar value less than a threshold amount (figs. 2 and 7; 0009).

As per **claim 14**, Lawrence further discloses the method wherein said condition comprises: determining whether a plurality of images indicate multiple financial

transactions originated from different post offices in a geographic area (0067).

As per **claim 16**, Lawrence failed to explicitly disclose the method wherein said condition comprises: determining whether a plurality of images bear no payees.

Buchanan et al discloses the method wherein said condition comprises: determining whether a plurality of images bear no payees (0175; 0216; ...determining whether deposit limit and endorsement information are present; 0235).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Lawrence and incorporate the method, wherein said condition comprises: determining whether a plurality of images bear no payees as taught by Buchanan et al in order to show pattern of fraud and ensure further security measures.

As per **claim 17**, Lawrence failed to explicitly disclose the method wherein said condition comprises: determining whether a plurality of images bear no payees.

Buchanan et al discloses the method wherein said condition comprises: determining whether a plurality of images bear no payees (0175; 0216; ...determining whether deposit limit and endorsement information are present; 0235).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Lawrence and incorporate the method, wherein said condition comprises: determining whether a plurality of images

bear no payees as taught by Buchanan et al in order to show pattern of fraud ensure

further security measures that may be employed.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. The reference cited to Bosworth-Davis et al U.S. Patent

Application Publication No. 2003/0033228 A1 is a document considered relevant to the

claimed invention.

Examiner's Note: Examiner has cited particular columns and line numbers in

the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art ad are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested that the applicant, in preparing the

responses, fully consider the references in entirety as potentially teaching all or part of

the claimed invention, as well as the context of the passage as taught by the prior art or
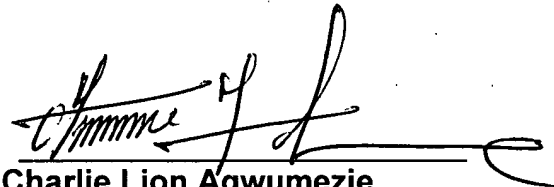
disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-

6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Fischer can be reached on **(571) 272 – 6779**.

Information regarding the status of an application may be obtained from the

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more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

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800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charlie Lion Agwumezie
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Acc
April 4, 2007

4/12/07

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